

2004 Annual Meeting

The State Bar of California Taxation Section presents
of the California Tax Bar & the California Tax Policy Conference



November 5-7, 2004

The State Bar of California and Taxation Section are
State Bar of California MCLE Approved Providers

REGISTER ON-LINE AT

www.calbar.ca.gov/taxation

*Up to 13 Hours of MCLE and Up to 13 Hours Legal Specialization and CPE
Credit including 1 MCLE Credit Detection and Prevention of Substance Abuse,
1 MCLE Credit Elimination of Bias, and .5 MCLE Credit Legal Ethics*

October 21, 2004

Hotel Reservation Deadline

October 29, 2004

Pre-Registration Deadline

Doubletree Hotel
San Jose

Presented by

The Taxation Section of the State Bar of California

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PROGRAM HIGHLIGHTS

You are invited to the Annual Meeting of the California Tax Bar, November 5-7 at the Doubletree Hotel, San Jose, hosted by the Taxation Section of the State Bar of California. This year, we are pleased to include, as part of the Annual Meeting, the California Tax Policy Conference (formerly sponsored by the California Franchise Tax Board). Programs are open to all meeting registrants.

The Annual Meeting offers an opportunity to develop your professional skills and stay current on issues affecting your practice. Join your colleagues and government officials for festive networking opportunities throughout the weekend, including Friday night reception and Committee sponsored dinner, Saturday's luncheon and Saturday night reception. Saturday's luncheon features keynote address by the Honorable Joel Gerber, Chief Judge, United States Tax Court and the presentation of the V. Judson Klein Award to A. Lavar Taylor and the Joanne M. Garvey Award to Richard A. Shaw.

The Tax Annual Meeting is an intensive and cost effective two and one-half days of seminars. Select from thirty cutting edge programs focusing on a variety of tax practice areas.

TICKETED EVENTS

Friday, November 5, 2004; 7:00 p.m. – 10:00 p.m. \$50.

Bella Mia Dinner (sponsored by the Tax Procedure and Litigation Committee). All are welcome.

Located at: 58 S. First Street, San Jose. Shuttle service will be provided.

COMMITTEE LUNCHEONS

Friday, November 5, 2004; 12:00 noon – 1:15 p.m. \$25.

Committees of the State Bar Taxation Section will hold informal lunches for members to meet each other and discuss committee business and activities. Lunches are open to all tax professionals. Please indicate which luncheon you will attend by checking the appropriate box on the Program Registration Form. The cost of the luncheon is \$25, which is NOT included in the Conference registration fee.

LUNCHEON (KEYNOTE/AWARD)

Saturday, November 6, 2004; 12:00 noon – 2:00 p.m. \$35.

The luncheon features keynote address by the Honorable Joel Gerber, Chief Judge, United States Tax Court, and the presentation of the V. Judson Klein Award and Joanne M. Garvey Award.

Federal Procedural Roundtable with key federal government representatives from Washington, D.C.

State and Local Tax Roundtable with FTB, SBE and State Controller representatives.



Keynote Address

Honorable Joel Gerber, Chief Judge
United States Tax Court



V. Judson Klein
Award Winner

A. Lavar Taylor



Joanne M. Garvey
Award Winner

Richard A. Shaw

LIST OF PROGRAMS BY COMMITTEE

ESTATE AND GIFT TAX COMMITTEE

- [2] Planning for Unmarried Couples
- [7] FLPs/LLC Family Entity Audit Panel
- [11] Integrating Creative Charitable Giving into an Estate Plan
- [17] Current Developments in Estate and Gift Tax Laws
- [21] Beyond the Basics of International Tax Planning for Foreign Individuals with U.S. Portfolio and Real Estate Investments
- [25] Retirement Planning in Estates
- [30] GRATS: Big Transfers, Small Gift Taxes
- [33] Formula Clauses

INCOME AND OTHER TAXES COMMITTEE

- [14] Profiling the Cash Business Taxpayer
- [20] Credits, Costs & Technology: Technology Tax Update
- [24] Choice of Entity Update
- [26] Detecting, Analyzing, and Reporting Abusive and Potentially Abusive Transactions

EXECUTIVE COMMITTEE PROGRAMS

- [5] In My Own Defense
- [31] Professional Responsibility from the Office of Professional Responsibility
- [34] California–Nevada Tax Issues
- [35] Federal Procedural Roundtable
- [36] Bias & the Legal Profession

STATE AND LOCAL TAX COMMITTEE

(These programs constitute the California Tax Policy Conference)

- [3] Handling a Sales Tax Audit
- [8] State and Local Tax Roundtable
- [12] State and Local Tax Litigation—Selected Cases and Topics
- [14] Profiling the Cash Business Taxpayer
- [18] Time for a California Tax Court?
- [26] Detecting, Analyzing, and Reporting Abusive and Potentially Abusive Transactions
- [27] The Innocent and the Not So Innocent—Current Federal and California Law on Obtaining Relief from Joint Tax Liabilities
- [34] California–Nevada Tax Issues

CORPORATE TAX/BUSINESS ENTITIES

- [1] Bankruptcy and Cancellation of Debt
- [28] Corporate Tax Update

INTERNATIONAL TAX COMMITTEE

- [13] The Boogey Man—Informational Reporting of International Transactions and the Hefty Penalty Provisions
- [16] Transfer Pricing: Current Developments in International Cost-Sharing and Services Arrangements and APA West Coast Program
- [21] Beyond the Basics of International Tax Planning for Foreign Individuals with U.S. Portfolio and Real Estate Investments
- [23] Dual Consolidated Losses

TAX PROCEDURE AND LITIGATION COMMITTEE

- [3] Handling a Sales Tax Audit
- [4] IRS Methods of Obtaining Information From Interview to Subpoena
- [9] Exposure of the Tax Practitioner in Both Planning and Litigation
- [15] Trends in IRS Collection
- [19] Federal Sentencing Guidelines—Rewarding the Early Bird
- [22] Defense of Reportable Transactions Under the Spotlight
- [27] The Innocent and the Not So Innocent—Current Federal and California Law on Obtaining Relief from Joint Tax Liabilities
- [29] Care and Feeding of Appraisal Experts
- [32] A Recent Look at Litigation Involving Attorneys Fees and Qualified Offers in Tax Court and District Court

TAX EXEMPT ORGANIZATIONS COMMITTEE

- [11] Integrating Creative Charitable Giving into an Estate Plan

YOUNG TAX LAWYERS COMMITTEE

- [6] Going Solo With Your Law Practice: How to Make All the Right Moves...And Avoid the Pitfalls
- [10] What Do You Want to Be When You Grow Up? Career Options for Young Tax Lawyers



GOVERNMENT SPEAKERS

William D. Alexander

Associate Chief Counsel (Corporate)
IRS Office of Chief Counsel, Washington, D.C.

Elizabeth Beck

Branch Chief, Branch 6, Office of Associate Chief Counsel
(International)
Internal Revenue Service, Washington, D.C.

Timothy W. Boyer

Chief Counsel
State Board of Equalization

Charles Checchi

IRS Appeals, SBSE and TE/GE Area Director

Sara M. Coe

Assistant Division Counsel (ATAT)
SBSE IRS Office of Chief Counsel

John W. Davies

Chief Counsel
Franchise Tax Board

Dino DiCanno

Deputy Executive Director, Nevada Department of Taxation
Carson City, NV

Patricia A. Donahue

SBSE Area Counsel (Area 7)
IRS Office of Chief Counsel, San Francisco

Hon. Joel Gerber

Chief Judge, United States Tax Court

Bridgett Gibson

IRS Area Counsel (GLS)
IRS office of Chief Counsel, San Francisco

Gilbert Haas

Division Chief, Investigations Division
State Board of Equalization

William Holmes

Director, Collection Planning and Analysis, IRS

Emily Kingston

Assistant U.S. Attorney, U.S. Attorney's Office, Northern
California

Hon. David Laro

United States Tax Court

David Lew

Deputy Attorney General, Office of the Attorney
General, California Department of Justice

Marcy Jo Mandel

Deputy Controller, Taxation
Office of the State Controller

Cynthia Mattson

LMSB Division Counsel
IRS Office of Chief Counsel, Washington, D.C.

Patricia McCarroll

Branch Chief, APA Branch 4
IRS, Office of Chief Counsel (International), Laguna Niguel

Mark McEvilly

Tax Counsel
Franchise Tax Board

John Merrick

Associate Chief Counsel (International)
IRS Office of Chief Counsel, Washington, D.C.

Benjamin F. Miller

Counsel, Multistate Tax Affairs
California Franchise Tax Board

Debra Petersen

Counsel, Franchise Tax Board, Legal Branch

Carol Poindexter

Program Manager, Retailers, Food, Pharmaceuticals and
Healthcare, IRS LMSB, Chicago

Ed Robbins

Former Chief, Tax Division
United States Attorney's Office, Los Angeles

Thomas M. Rohall

Senior Attorney
IRS Office of Chief Counsel, Sacramento

Eric Solomon

Deputy Assistant Secretary for Tax Policy
United States Treasury Department

Honorable Stephen J. Swift

United States Tax Court

Jay Weill

Chief, Tax Division, U.S. Attorney's Office, Northern California

James Yates

Director of Investigations
California Franchise Tax Board

Paul Zamolo

SBSE Associate Area Counsel (Area 7)
IRS Office of Chief Counsel, San Francisco

9:00 a.m. – 11:45 a.m. **Tax LLM Job Fair**

11:00 a.m. – 6:00 p.m. **Registration**

12:00 noon – 1:15 p.m. **Committee Luncheons—Ticketed Event \$25**

CONCURRENT PANELS

1:30 p.m. – 3:00 p.m.

[1]

Bankruptcy and Cancellation of Debt

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Corporate Tax/Business Entities Committee

An update on issues involving corporate debt restructuring. We will discuss the new Section 108 regulations involving the application of Section 108 in a consolidated group.

Speakers: **Karrie L. Bercik**, Bercik & Roberts, LLP, San Francisco

Todd C. Toral, Reed & Smith, Oakland

Mark S. Wallace, Stutman, Treister & Glatt, Los Angeles

[2]

Planning for Unmarried Couples

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Estate and Gift Tax Committee

A discussion of estate planning for unmarried couples of all configurations, including same gender, opposite gender, parents and children, friends, and more. The speaker explores the unique tax and estate planning issues presented in these relationships, particularly in view of new benefits and responsibilities conferred upon California registered domestic partners under legislation effective January 1, 2005.

Speaker: **Lori A. Lewis**, Mullen & Henzel LLP, Santa Barbara

[3]

Handling a Sales Tax Audit

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by the State and Local Tax and the Tax Procedure and Litigation Committees

What to expect in a sales tax audit and how to appeal if your client doesn't like the result.

Speaker: **Dennis R. Brager**, Los Angeles

[4]

IRS Methods of Obtaining Information From Interview to Subpoena.

(1.5 Hours of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)

Sponsored by the Tax Procedure and Litigation Committee

This program will provide an overview of the formal and informal methods available to the IRS to obtain taxpayer information, including interviews, summons, summons enforcement, subpoenas and search warrants, and the discovery of information maintained on electronic media such as e-mails and other items retained on your client's computers. Strategies and defenses from both the Government's perspective as well as the taxpayer's will be discussed.

Speakers: **Diana Callaghan**, Rice & Keely, A Professional Law Corporation, Torrance

A. Lavar Taylor, Law Offices of A. Lavar Taylor, Santa Ana

Jay Weill, Chief, Tax Division, U.S. Attorney's Office, Northern California

Emily Kingston, Tax Division, U.S. Attorney's Office, Northern California

2:00 p.m. – 3:00 p.m.

[5]

In My Own Defense

(1 Hour of MCLE Detection and Prevention of Substance Abuse, Legal Specialization and CPE Credit)

Sponsored by the Executive Committee

What do you do when you or an attorney close to you has a substance abuse, alcohol or emotional distress problem? Learn to recognize the signs and how the Lawyer Assistance Program can help.

Speaker: **Richard Carlton**, MPH, San Francisco

CONCURRENT PANELS

3:15 p.m. – 4:45 p.m.

[6]

Going Solo With Your Law Practice: How to Make All the Right Moves...And Avoid the Pitfalls

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Young Tax Lawyers Committee

This program will cover practical insights of starting your own practice such as dealing with administration, isolation, clients and the ups and downs of cash flow. The speakers will also discuss marketing, business plan, business compliance issues, collecting fees, setting price points for professional tax services and other aspects of establishing the solo practice.

Speakers: **R. Anthony Bauman**, A Professional Law Corporation, San Diego

Edward T. Perry, The Law Office of Edward T. Perry, Walnut Creek

- [7] **FLP's/LLC Family Entity Audit Panel**
(1.5 Hours of MCLE, Legal Specialization and CPE Credit)
Sponsored by the Estate and Gift Tax Committee
A thorough discussion of the issues affecting family entities. The speakers will focus on estate, gift and income tax issues and explore the role of the practitioner and the appraiser. Relevant case law and valuation concepts in connection with estate and gift tax transfers will also be explored.
Speakers: **Mark C. Higgins**, ASA, Higgins, Marcus, & Lovett, Inc.
John Ramsbacher, Ramsbacher Prokey LLP, San Jose
- [8] **State and Local Tax Roundtable**
(1.5 Hours of MCLE, Legal Specialization and CPE Credit)
Sponsored by the State and Local Tax Committee
An annual update of developments in the franchise, sales and use and property taxes areas by our panel of experts.
Speakers: **Timothy W. Boyer**, Chief Counsel, State Board of Equalization, Sacramento
John W. Davies, Chief Counsel, Franchise Tax Board, Sacramento
Marcy Jo Mandel, Deputy Controller, Taxation Office of the State Controller, Culver City
Charles J. Moll, Morrison & Foerster LLP, San Francisco
- [9] **Exposure of the Tax Practitioner in Both Planning and Litigation**
(1.5 Hours of MCLE, .5 Legal Ethics; Legal Specialization and CPE Credit)
Sponsored by the Tax Procedure and Litigation Committee
A discussion of the ethical issues and criminal implications that every tax practitioner might encounter in representing a client in a tax planning or tax controversy matter.
Speakers: **David Lee Rice**, Rice & Keely, A Professional Law Corporation, Torrance
Ed Robbins, Former Chief of the Tax Division, United States Attorney's Office, Los Angeles

CONCURRENT PANELS

5:00 p.m. – 6:00 p.m.

- [10] **What Do You Want to Be When You Grow Up? Career Options for Young Tax Lawyers.**
(1 Hour of MCLE, Legal Specialization and CPE Credit)
Sponsored by the Young Tax Lawyers Committee
The good, the bad and the ugly: an open discussion of various career options available to tax lawyers, including private practice, government attorney, in-house corporate counsel, and accounting firms. Panelists will share their varied experiences and explore the advantages and disadvantages of each option, and, through the benefit of hindsight, suggest factors to consider in making career choices.
Speaker: **Harry-Todd Astrov**, Senior Tax Counsel, ChevronTexaco Corporation, San Ramon
Wendy Abkin, Sideman & Bancroft LLP, San Francisco
- [11] **Integrating Creative Charitable Giving into an Estate Plan**
(1 Hour of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)
Co-sponsored by the Tax Exempt Organizations and the Estate and Gift Tax Committees
Practitioners with clients who have charitable intent need to advise those clients about creative charitable planning ideas as part of their estate plans, while avoiding abusive transactions. This program will address issues related to charitable giving including Charitable Remainder Trusts, Private Foundations and Supporting Organizations, and will also discuss updates on recent legislative and ruling developments in the area.
Speakers: **Julie Keeney**, Deloitte & Touche LLP, San Diego
Kimberly Ryan, Deloitte & Touche LLP, San Diego
Teresa Young, Deloitte & Touche LLP, San Diego
- [12] **State and Local Tax Litigation—Selected Cases and Topics**
(1 Hour of MCLE, Legal Specialization and CPE Credit)
Sponsored by the State and Local Tax Committee
A discussion of selected new and important state and local tax cases and hot taxation topics.
Speakers: **James P. Kleier**, Preston Gates & Ellis LLP, San Francisco
Benjamin F. Miller, Counsel, Multistate Tax Affairs, California Franchise Tax Board
David Lew, Deputy Attorney General, Office of the Attorney General, Department of Justice, Oakland

[13] The Boogey Man—Informational Reporting of International Transactions and the Hefty Penalty Provisions
(1 Hour of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)

Sponsored by the International Tax Committee

Planning and structuring the substance of international transactions is complicated enough. The substantive international tax issues are not the end of the process, since the Code provides for a host of informational reporting requirements unique to international transactions. This program will provide a detailed overview of the various informational reporting requirements of various international transactions including Sections 6038, 6038A, 6038B, 6038C, 6039E, 6039F, 6039G and the foreign bank account reporting requirements of the Bank Secrecy Act/USA Patriot ACT (FBAR reports). The panel will also discuss the hefty penalty provisions that can apply (regularly \$10,000 per violation and sometimes in excess of one million dollars for certain unreported foreign gift or trust transfers). The IRS will provide their perspective to the application of these provisions and when they regularly audit and attempt to impose penalties for failures to properly report various international transactions.

Speakers: **Sara M. Coe**, Assistant Division Counsel (ATAT) SBSE Division Counsel, IRS, Washington, D.C.

Patrick Martin, Procopio Cory et al LLP, San Diego

Jon Schimmer, Procopio Cory et al LLP, San Diego

6:00 p.m. – 7:30 p.m.

Reception for All Attendees

Generously sponsored by Hoge, Fenton, Jones & Appel, Inc., San Jose

7:00 p.m. – 10:00 p.m.

Dinner

Bella Mia Dinner

(sponsored by the Tax Procedure and Litigation Committee.)

All are welcome.

Located at: 58 S. First Street, San Jose.

Shuttle service will be provided.



7:30 a.m. – 5:30 p.m.

Registration

7:30 a.m. – 8:30 a.m.

Continental Breakfast

(Please indicate your attendance on the registration form)

CONCURRENT PANELS

8:45 a.m. – 10:45 a.m.

[14]

Profiling the Cash Business Taxpayer

(2 Hours of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)

Co-sponsored by the State and Local Tax and Income and Other Taxes Committees

Why does a civil tax examiner sometimes turn into a criminal investigator? A panel of leading government and private experts discuss various methods utilized by the IRS, FTB and BOE to locate and examine cash-intensive businesses and individuals who may be underreporting their receipts.

Speakers: **Gilbert Haas**, Division Chief, Investigations Division, State Board of Equalization
Dennis L. Perez, Hochman, Salkin, Rettig, Toscher & Perez, P.C., Beverly Hills
James Yates, Director of Investigations, California Franchise Tax Board

[15]

Trends in IRS Collection

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Tax Procedure and Litigation Committee

Have Revenue Officers taken the gloves off? Panelists will discuss current IRS tax collection policies and practices and what practitioners can expect in the coming year.

Speakers: **Joseph Broyles**, Law Office of Joseph Broyles, Los Angeles
Charles Checchi, IRS Appeals, SBSE and TE/GE Area Director, San Francisco
A. Lavar Taylor, Law Offices of Lavar Taylor, Santa Ana
William Holmes, Director, Collection Planning and Analysis, IRS

[16]

Transfer Pricing: Current Developments in International Cost-Sharing and Services Arrangements and APA West Coast Program

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the International Tax Committee

As globalization continues, the volume of cross border intercompany transactions continues to grow so that transfer pricing is one of the most, if not the most, important international tax issue facing U.S. and foreign-based multinational enterprises. This program, presented from a U.S. perspective and consisting of panelists that are both U.S. transfer pricing practitioners in private practice and Internal Revenue Service officials, provides a survey and discussion of recently proposed U.S. transfer pricing regulations and the resolution of transfer pricing disputes through the Advance Pricing Agreement (“APA”) program.

Speakers: **Elizabeth Beck**, Branch Chief, Branch 6, IRS, Office of Chief Counsel (Int’l), Washington, D.C.
Cabell Chinnis, Mayer, Brown, Rowe & Maw LLP, Palo Alto
Paul A. DiSangro, Mayer, Brown, Rowe & Maw LLP, Palo Alto
James M. Hill, Deloitte & Touche LLP, Los Angeles
Patricia McCarroll, Branch Chief, APA Branch 4, IRS, Office of Chief Counsel (Int’l), Laguna Niguel

[17]

Current Developments in Estate and Gift Tax Laws

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Estate and Gift Tax Committee

A complete summary of important developments in the income, gift and estate tax area from the past year, including key decisions, regulations and rulings, and legislative changes.

Speaker: **Kim Marois**, Law Offices of Kim Marois, Santa Rosa

CONCURRENT PANELS

11:00 a.m. – 12:00 noon

[18]

Time for a California Tax Court?

(1 Hour of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by the State and Local Tax and the Tax Procedure and Litigation Committees

A panel discussion of considerations in favor and against a California tax court.

Speakers: **Chuck Moll**, Morrison & Foerster, San Francisco
William Gregory Turner, General Counsel & Legislative Director, California Taxpayers Association, Sacramento
William Weintraub, Jeffer, Mangels, Butler & Marmaro, LLP, Los Angeles

- [19] **Federal Sentencing Guidelines—Rewarding the Early Bird**
(1 Hour of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)
Sponsored by the Tax Procedure and Litigation Committee
Every practitioner advising clients who may be subject to potential IRS criminal investigation needs to know the impact of the Federal Sentencing Guidelines for Tax Crimes, the likelihood of incarceration for those convicted of a tax crime and techniques for minimizing the likelihood and length of incarceration. Panelists will discuss the potential opportunities and pitfalls—including the Supreme Court's recent decision in *Blakely* and its impact on the Sentencing Guidelines.
Speakers: **Ed Robbins**, Former Chief of the Tax Division, United States Attorney's Office, Los Angeles
Steven Toscher, Hochman, Salkin, Rettig, Toscher & Perez, P.C., Beverly Hills
- [20] **Credits, Costs & Technology: Technology Tax Update**
(1 Hour of MCLE, Legal Specialization and CPE Credit)
Sponsored by the Income and Other Taxes Committee
This presentation will focus on the top tax developments of the past year of significance to high technology companies. The discussion will include an analysis of the final research credit regulations, issues regarding donations of IP, new rules on the treatment of costs to create intangibles, a summary of key e-commerce developments, and an overview of significant legislative proposals.
Speaker: **Annette Nellen**, CPA, and Professor-College of Business, San Jose State University
- [21] **Beyond the Basics of International Tax Planning for Foreign Individuals with U.S. Portfolio and Real Estate Investments**
(1 Hour of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)
Co-sponsored by the International Tax and Estate and Gift Tax Committees
The reduction in capital gains rates versus ordinary income tax rates has significantly shifted the balance of in-bound tax planning considerations for non-resident alien investors in the United States. Corporate vehicles are no longer the vehicle of choice. The panel will explore various income and transfer tax issues of importance for foreign individual investors in U.S. portfolio and real estate investments. Sophisticated techniques such as tax treaty positions with respect to income tax residency, Section 897(i) elections with respect to real estate investments, pre-immigration transfers to trusts and/or life insurance contracts will be addressed and use of "check the box" planning for U.S. and foreign companies owned by foreign investors. Recent developments in the Section 897/FIRPTA regulations and the government's policy on individual tax identification numbers ("ITINs") will also be discussed.
Speakers: **Patrick Martin**, Procopio Cory et al LLP, San Diego
Rufus von Thulen Rhoades, Pasadena
Juan Jose Thomas-Moreno, Notaria Siete, Tijuana, Mexico
- 12:00 noon – 2:00 p.m.** **Luncheon Program—Ticketed Event \$35**
Keynote Speaker: Honorable Joel Gerber, Chief Judge, United States Tax Court
Presentation of the V. Judson Klein Award and Joanne M. Garvey Award
- 2:15 p.m. – 3:15 p.m.** [22] **Defense of Reportable Transactions Under the Spotlight**
(1 Hour of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)
Co-sponsored by the State and Local Tax and Tax Procedure & Litigation Committees
Recently, the IRS and various states have been sharing information regarding the identification and examination of emerging and listed transactions. A panel of leading government and private practitioners discuss various audit strategies, settlement initiatives, and potential litigation forums involving "listed transactions."
Speakers: **Erin Collins**, KPMG, LLP, Los Angeles
Debra Petersen, Counsel, Franchise Tax Board, Legal Branch, Rancho Cordova
Carol Poindexter, Program Manager, Retailers, Food, Pharmaceuticals and Healthcare, IRS LMSB, Chicago
- [23] **Dual Consolidated Losses**
(1 Hour of MCLE, Legal Specialization and CPE Credit)
Sponsored by the International Tax Committee
The "Dual Consolidated Loss" ("DCL") regime of IRC §1503(d) raises complex tax planning and compliance issues for U.S. corporations that incur losses through foreign branches and partnerships, including "branches" and "partnerships" created upon filing "check-the-box" elections. This program will survey current issues and developments in the DCL area.
Speakers: **Walter M. Kolligs**, Ernst & Young LLP, San Francisco
John Merrick, Associate Chief Counsel (International), IRS Office of Chief Counsel, Washington, D.C.
James K. Sams, KPMG LLP, San Francisco

[24] Choice of Entity Update

(1 Hour of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by Income and Other Taxes and Corporate Tax/Business Entities Committees

This presentation will discuss the important considerations for choosing a business entity. The discussion will include an analysis of current tax rates and important Subchapter C, Subchapter S and Subchapter K rules that play into the decision. The pros and cons of forming as a C Corporation, S Corporation, LLC, LLP or Partnership will be discussed.

Speaker: **Professor Jeffrey Kahn**, Santa Clara University School of Law, Santa Clara

[25] Retirement Planning in Estates

(1 Hour of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Estate and Gift Tax Committee

A discussion of the critical interplay between retirement and estate planning. This will include a detailed analysis of income and estate tax issues and an exploration of planning techniques.

Speaker: **Steven Trytten**, Anglin/Flewelling et al LLP, Pasadena

CONCURRENT PANELS

3:30 p.m. – 5:30 p.m.

[26] Detecting, Analyzing, and Reporting Abusive and Potentially Abusive Transactions

(2 Hours of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)

Co-sponsored by the State and Local Tax and Tax Procedure and Litigation Committees

The presentation will focus on the California counterpart to the Federal Reportable Transactions regulations and the measures taxpayers should take to ensure compliance. Panelists will also discuss additional proposed federal requirements, including CEO attestation and codification of the economic substance doctrine, and conclude with a summary of the impact of these changes on corporate tax planning and compliance.

Speakers: **Professor Joseph Bankman**, Stanford Law School, Stanford
Stephen Anthony Bonovich, Tax Counsel, Intel Corporation
Debra S. Petersen, Franchise Tax Board, Legal Branch, Rancho Cordova
Robert R. Rubin, McDonough Holland & Allen, Sacramento

[27] The Innocent and The Not So Innocent—Current Federal and California Law on Obtaining Relief from Joint Tax Liabilities.

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by the Tax Procedure and Litigation and State and Local Tax Committees

This panel will discuss the current state of both federal and California law regarding obtaining relief from joint tax liabilities—the similarities and the differences in both timing and opportunities for such relief under federal and state statutes and the evolution of the case law through Tax Court reported decisions since 2000.

Speakers: **Karen L. Hawkins**, Taggart & Hawkins, Oakland
Mark McEvilly, Tax Counsel, Franchise Tax Board, Rancho Cordova
Thomas M. Rohall, Senior Attorney, IRS Office of Chief Counsel, Sacramento
Honorable Stephen J. Swift, United States Tax Court, Washington, D.C.

[28] Corporate Tax Update

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Corporate Tax/Business Entities Committee

Update of recent corporate tax developments and policy initiatives from Washington including a practitioner perspective.

Speakers: **William D. Alexander**, Associate Chief Counsel (Corporate), IRS Office of Chief Counsel, Washington, D.C.
Julie A. Divola, Pillsbury Winthrop LLP, San Francisco
David R. Gerson, Wilson Sonsini Goodrich & Rosati, San Francisco
Eric Solomon, Deputy Assistant Secretary for Tax Policy, United States Treasury Department

[29] Care and Feeding of Appraisal Experts

(2 Hours of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by the Estate and Gift Tax and Tax Procedure and Litigation Committees

A panel of participants representing the unique perspectives of the IRS, taxpayer's representative, the appraiser and the Tax Court will explore the issues involved in interviewing and choosing an appraiser, and reading, critiquing and understanding appraisals.

Speakers: **G. Michelle Ferreira**, Greenberg Traurig, LLP, East Palo Alto
Ken Nunes, CFA, Managing Director, CALIBER ADVISORS, INC, Solana Beach
Honorable David Laro, United States Tax Court, Washington, D.C.

5:30 p.m. – 7:00 p.m.

Reception for All Attendees

8:00 a.m. – 10:00 a.m.

Registration/Continental Breakfast

CONCURRENT PANELS

9:00 a.m. – 10:30 a.m.

[30] GRATs “Big Transfers, Small Gift Taxes”

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Estate & Gift Tax Committee

A review and comparison of techniques to make lifetime transfers of large assets with little or no gift tax. The program will focus on Grantor Retained Annuity Trusts and installment sales to grantor trusts, but also include discussions on charitable lead trusts, self-canceling installment notes and private annuities.

Speaker: **John Prokey**, Ramsbacher Prokey LLP, San Jose

[31] Professional Responsibility from the Office of Professional Responsibility

(1.5 Hours of Legal Ethics MCLE, Legal Specialization and CPE Credit)

Sponsored by the Executive Committee

A program which reflects the current thinking of the Office of Professional Responsibility with designated governmental participation from OPR.

Speakers: **Bridgette Gibson**, IRS Area Counsel Office, San Francisco

Curtis L. Harrington, Law Offices of Curtis L. Harrington, Long Beach

[32] A Recent Look at Litigation Involving Attorneys Fees and Qualified Offers in Tax Court and District Court

(1.5 Hours of MCLE, .5 Legal Ethics, Legal Specialization and CPE Credit)

Sponsored by the Tax Procedure and Litigation Committee

The panel will review Federal and California law regarding the recovery of administrative and litigation costs, including professional fees, in tax disputes. Panelists will discuss the federal qualified offer provisions and recent developments in the recovery of administrative and litigation costs as a result of those provisions.

Speakers: **William Taggart**, Taggart & Hawkins, Oakland

Paul Zamolo, Associate Area Counsel (SBSE), IRS Office of Chief Counsel, San Francisco

CONCURRENT PANELS

10:45 a.m. – 12:15 p.m.

[33] Formula Clauses

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Estate and Gift Tax Committee

A discussion of the utilization of formula clauses and the effect of *McCord*. A review of formula gift clauses, where we've come and what the most recent cases say. Mr. Katzenstein will discuss what works and what does not work when structuring formula clauses.

Speaker: **Andrew Katzenstein**, Katten Muchin Zavis, Los Angeles

[34] California – Nevada Tax Issues

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Co-sponsored by the State and Local Tax and Executive Committees

This presentation will cover California and Nevada state taxation issues, including residency, estate death tax allocation, documentation required for personal property situs, and more.

Speakers: **Dino DiCianno**, Deputy Executive Director, Nevada Department of Taxation, Carson City, NV

Douglas McLellan Edwards, Cobeaga & Tomlinson, Las Vegas, NV

[35] Federal Procedural Roundtable

(1.5 Hours of MCLE, Legal Specialization and CPE Credit)

Sponsored by the Executive Committee

A review and discussion of the past year's most important procedural developments from the viewpoint of taxpayers, the IRS Office of Chief Counsel, and the Tax Court.

Speakers: **Erin Collins**, KPMG LLP, Los Angeles

Patricia A. Donahue, SBSE Area Counsel, IRS Office of Chief Counsel, San Francisco

Fred T. Goldberg, Jr., Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C.

Cynthia Mattson, LMSB Division Counsel, IRS Office of Chief Counsel, Washington, D.C.

Honorable Stephen J. Swift, United States Tax Court, Washington, D.C.

11:00 a.m. – 12:00 noon

[36]

Bias & the Legal Profession

(1.00 Hour of MCLE Elimination of Bias in the Legal Profession Credit)

Sponsored by the Executive Committee

This program discusses Respect, Fairness, Dignity, and Equality, and helps participants to identify and address learned biases in the legal profession.

Conference Adjourns

REGISTRATION FORM

To pre-register, complete the Registration Form and the Course Selector on the back. Keep a photocopy for your records and mail or fax before the **October 29, 2004** deadline. Please use a separate form for each registrant.

BY FAX: 415-538-2368. Credit Card registrants only. If pre-registration is faxed, do not mail original form. Fax registrations cannot be confirmed by telephone. Please keep a copy of your forms.

BY MAIL: Program Registrations, State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639.

REGISTRATION Please print or type name as it should appear on name badge.

Name: _____ CA State Bar # _____

Firm: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____ Spouse/Guest name: _____

Your name and address may be disclosed to other 2004 Annual Meeting/California Tax Policy Conference attendees and exhibitors/vendors. For Special Assistance call (415) 538-2393

FEES

Check one. (Registration fee includes Friday evening reception, Saturday & Sunday continental breakfasts)

- | | |
|---|--|
| <input type="checkbox"/> State Bar of California Taxation Section Members \$435 | <input type="checkbox"/> Government Employees/Law School Faculty \$120 |
| <input type="checkbox"/> Non-Taxation Section Members \$495* | <input type="checkbox"/> Law Students \$70 |
| <input type="checkbox"/> Program Written Materials \$100 | - \$ _____ |

* Price includes 2005 Taxation Section membership.

TICKETED EVENTS

Friday, November 5

Committee Luncheons—\$25 per person

(Please check the committee lunch you wish to attend below.)

- | | | |
|---|---------------------------------------|------------|
| [37] <input type="checkbox"/> Estate and Gift Tax Committee | } @\$25 per person _____ (# in party) | - \$ _____ |
| [38] <input type="checkbox"/> Corporate Tax/Business Entities Committee | | |
| [39] <input type="checkbox"/> State and Local Tax Committee | | |
| [40] <input type="checkbox"/> Tax Procedure and Litigation Committee | | |

- | | | |
|--|---|------------|
| [41] <input type="checkbox"/> Friday Cocktail Reception (no additional cost) | <input type="checkbox"/> I will attend _____ (# in party) | |
| [42] <input type="checkbox"/> Dinner at Bella Mia | @\$50 per person _____ (# in party) | = \$ _____ |

Saturday, November 6

- | | | |
|--|---|------------|
| [43] <input type="checkbox"/> Continental Breakfast (no additional cost) | <input type="checkbox"/> I will attend _____ (# in party) | |
| [44] <input type="checkbox"/> Luncheon (Keynote/Awards) | @\$35 per person _____ (# in party) | = \$ _____ |
| [45] <input type="checkbox"/> Saturday Cocktail Reception (no additional cost) | <input type="checkbox"/> I will attend _____ (# in party) | |

Sunday, November 7

- | | |
|--|--|
| [46] <input type="checkbox"/> Continental Breakfast (no additional cost) | <input type="checkbox"/> I will attend _____ |
|--|--|

PAYMENT METHOD

Registration fees may be paid by check, Visa or MasterCard (no other credit cards will be accepted). Make checks payable to the State Bar of California.

TOTAL AMOUNT ENCLOSED/TO BE CHARGED = \$ _____

CREDIT CARD INFORMATION

☐ Visa ☐ MasterCard

Account Number: _____ Expiration Date: _____

Cardholder's Name: _____ Cardholder's Signature: _____

COURSE SELECTOR

Name _____

CA State Bar # _____

Please check the appropriate boxes below for the program you wish to attend. Retain a copy for your records.

FAX WITH PROGRAM REGISTRATION FORM: Program registrations 415.538.2368

Friday, November 5, 2004

1:30 p.m. – 3:00 p.m.

- ☐ [1] Bankruptcy and Cancellation of Debt
- ☐ [2] Planning for Unmarried Couples
- ☐ [3] Handling a Sales Tax Audit
- ☐ [4] IRS Methods of Obtaining Information From Interview to Subpoena

2:00 p.m. – 3:00 p.m.

- ☐ [5] In My Own Defense

3:15 p.m. – 4:45 p.m.

- ☐ [6] Going Solo With Your Law Practice: How to Make All the Right Moves...And Avoid the Pitfalls
- ☐ [7] FLPs/LLC Family Entity Audit Panel
- ☐ [8] State and Local Tax Roundtable
- ☐ [9] Exposure of the Tax Practitioner in Both Planning and Litigation

5:00 p.m. – 6:00 p.m.

- ☐ [10] What Do You Want to Be When You Grow Up? Career Options for Young Tax Lawyers
- ☐ [11] Integrating Creative Charitable Giving into an Estate Plan
- ☐ [12] State and Local Tax Litigation—Selected Cases and Topics
- ☐ [13] The Boogey Man—Informational Reporting of International Transactions and the Hefty Penalty Provisions

Saturday, November 6, 2004

8:45 a.m. – 10:45 a.m.

- ☐ [14] Profiling the Cash Business Taxpayer
- ☐ [15] Trends in IRS Collection
- ☐ [16] Transfer Pricing: Current Developments in International Cost-Sharing and Services Arrangements and APA West Coast Program
- ☐ [17] Current Developments in Estate and Gift Tax Laws

11:00 a.m. – 12:00 noon

- ☐ [18] Time for a California Tax Court?
- ☐ [19] Federal Sentencing Guidelines—Rewarding the Early Bird
- ☐ [20] Credits, Costs & Technology: Technology Tax Update
- ☐ [21] Beyond the Basics of International Tax Planning for Foreign Individuals with U.S. Portfolio and Real Estate Investments

2:15 p.m. – 3:15 p.m.

- ☐ [22] Defense of Reportable Transactions Under the Spotlight
- ☐ [23] Dual Consolidated Losses
- ☐ [24] Choice of Entity Update
- ☐ [25] Retirement Planning in Estates

3:30 p.m. – 5:30 p.m.

- ☐ [26] Detecting, Analyzing, and Reporting Abusive and Potentially Abusive Transactions
- ☐ [27] The Innocent and the Not So Innocent
- ☐ [28] Corporate Tax Update
- ☐ [29] Care and Feeding of Appraisal Experts

Sunday, November 7, 2004

9:00 a.m. – 10:30 a.m.

- ☐ [30] GRATs “Big Transfers, Small Gift Taxes”
- ☐ [31] Professional Responsibility from the Office of Professional Responsibility
- ☐ [32] A Recent Look at Litigation Involving Attorneys Fees and Qualified Offers in Tax Court and District Court

10:45 a.m. – 12:15 p.m.

- ☐ [33] Formula Clauses
- ☐ [34] California—Nevada Tax Issues
- ☐ [35] Federal Procedural Roundtable

11:00 a.m. – 12:00 noon

- ☐ [36] Bias & the Legal Profession

Hotel Information

HOTEL RESERVATIONS

The Doubletree Hotel is the headquarters of the 2004 Annual Meeting of the California Tax Bars and is located at 2050 Gateway Place, San Jose, California 95110.

A block of rooms has been reserved for the night of November 5th and 6th at the rate of \$89 single or double occupancy plus tax per night. Individual group members are entitled to the group rate if reservations and deposit in the amount of the first night's room and tax are made by October 21, 2004. Reservation must be made by the cut-off date. To make your reservation, please contact Doubletree Hotel San Jose at 408.453.4000.

Cancellations must be made 72-hours prior to arrival.

REGISTER ON-LINE AT www.calbar.ca.gov/taxation

Program & Transportation Information

REGISTRATION FEES

The cost to register for the Tax Annual Meeting is \$435 for Taxation Section Members; \$495 for Non-Members; \$120 for Government Employees and Law School Faculty; and \$70 for Law Students. Your registration with check made payable to the State Bar of California, or credit card information must be received no later than October 29, 2004. Registration for the 2004 Annual Meeting of the California Tax Bars will be accepted on-site on a space available basis.

CANCELLATION

A refund less a non-refundable fee of \$50 will be made for all registration cancellations received in writing by October 29, 2004. No refunds will be made for cancellations after that date.

MCLE/LEGAL SPECIALIZATION INFORMATION

Earn up to 13 hours of MCLE credit and 5.00 Legal Ethics, 1.00 Detection and Prevention of Substance Abuse, and Elimination of Bias in the Legal Profession. Attorneys must sign in at the door to each MCLE program to obtain credit. Certificates also will serve as a record of legal specialization credit, if the course is so certified.

CPE CREDIT

Earn up to 13 hours of CPE Credit. CPAs must sign in at the door for each program to obtain credit.

SPEAKER SUBSTITUTIONS

Speakers may be substituted due to unavailability or scheduling conflicts. No refunds will be given due to speaker substitution.

AUDIO TAPES

Audiotapes will be available for all educational programs. You can order tapes on-site or any time following the program. For more information contact Versa-Tape at 800.727.8883.

AIRLINE RESERVATIONS

The State Bar of California has a discount program with United Airlines. The discounts are 10% off restricted full coach fares and 5% off any published (often restricted) fares. United's meeting discounts will be applied to the best available fare, subject to any restriction. To make reservations, or for additional information, please call the United Group Meeting Desk at 800.521.4041 and refer to meeting travel account number 550QX.

FOR MORE INFORMATION

For registration information call Program Registrations at 415.538.2508. For program content call 415.538.2393 or visit our website at: www.calbar.ca.gov/taxation.

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